

### REMARKS

This Amendment is in response to the Office Action of September 29, 2004 in which claims 1-27 were rejected in a first action on the merits.

Regarding the 35 U.S.C. § 102(b) rejection of claims 1-5, 17-18, and 22-27 as being anticipated by Leon et al (U.S. 5,896,277), Leon does not actually teach a unitary tubular body having an open end for insertion of electronic components therein. Rather, Leon teaches a battery cover 10 in Fig. 1 that is described by Leon as being “u-shaped” and does not appear to have a shape that could be regarded as a unitary tubular body.

However, without prejudice, it is noted that the Examiner has not rejected claim 9 for lack of novelty and the accompanying amendment of claim 1 cancels claim 9 and inserts its limitations into independent claim 1 as well as independent claim 25 rejected on those grounds.

Regarding independent claim 22 also rejected on this ground, it should be noted that claim 22 defines the following features:

a method of forming a housing comprising a unitary tubular body having an open end for insertion of electronic components therein, the method including the step of permanently attaching at least two housing portions together to form said unitary body.

In Fig. 2, Leon shows a housing 20 comprising an upper portion 22 and a lower portion 24, the battery cover 10 slidably attaches to the lower portion 24 of the housing 20 (abstract). Leon distinguishes between the upper and lower housing portions so as to highlight the extent to which the battery cover 10 covers the housing 20 (Fig. 2). Leon does not disclose that the upper and lower portions were or are separate parts and cannot therefore disclose a method including the step of permanently attaching at least two housing portions together to form said unitary body.

Therefore, the 35 U.S.C. § 102(b) rejection of claims 1-5, 17-18, and 22-27 has been obviated by amendment or shown to be inapplicable and withdrawal thereof is requested.

Regarding the 35 U.S.C. § 103(a) rejection of claims 6-8 as being unpatentably obvious over Leon in view of Norman et al (U.S. 6,073,027), the above amendment to claim 1 obviates this rejection as well.

Withdrawal of the 35 U.S.C. § 103(a) rejection of claims 6-8 is requested.

Regarding the 35 U.S.C. § 103(a) rejection of claims 9-16 and 19-21 as being unpatentably obvious over Leon in view of Kubo (U.S. 6,580,923) the Examiner is referred to the amended claim 1 which incorporates claim 9 and which claims the following features:

A housing for an electronic device comprising a unitary tubular body having an open end for insertion of electronic components therein, and wherein the body includes a plurality of apertures in one face to receive the keys of a keymat mounted on an inner wall of the body, and an opening in the other face opposite the apertures to receive a battery pack.


Leon discloses a u-shaped body cover 10 which slidably attaches to the lower portion 24 of a housing 20 (Fig. 2 and abstract). Leon discloses a portable device 20 which may be slidably inserted into a battery cover 10 (abstract and Fig. 2). In contrast, applicants disclose a unitary tubular body having an open end for insertion of electronic components.

Kubo discloses a portable telephone set 30 comprising a case having first and second sides opposite to each other (abstract and Fig. 3). Kubo does not disclose a housing for an electronic device comprising a unitary tubular body having an open end for insertion of electronic components therein. As Kubo does not disclose a unitary body, it cannot therefore disclose a body including a plurality of apertures in one face to receive the keys of a keymat mounted on an inner wall of the body, and an opening in the other face opposite the apertures to receive a battery pack.

As Leon and Kubo do not disclose all of the features of the newly amended claim 1 (incorporating claim 9) either alone or in combination, we believe that the presently claimed invention as claimed in amended claim 1 is patentable as well under 35 U.S.C. § 103(a).

The objections and rejections of the Office Action of September 29, 2004, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-8 and 10-27 to issue is solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Francis J. Maguire". The signature is fluid and cursive, with the first name "Francis" and last name "Maguire" clearly legible. The signature is positioned above the printed name and title.

Francis J. Maguire  
Attorney for the Applicant  
Registration No. 31,391

FJM/mo  
WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, Connecticut 06468  
(203) 261-1234